IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5412 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PARIKH MUKESH JAMAMADAS

Versus

GUJARAT COMMUNICATIONS & ELECTRICALS LTD

Appearance:

1. Special Civil Application No. 5412 of 1991

MR YN OZA for Petitioner No. 1

MR SN SHELAT for Respondents No. 1-2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 01/02/2002

ORAL JUDGEMENT

The petitioner was an employee of respondent Gujarat Communications and Electronics Ltd., which was Government of Gujarat undertaking. He filed this

petition in 1991 and prayed that the respondent authorities be directed to consider the case of the petitioner for promotion to the post of Accounts Officer and Senior Accounts Officer from the date when the direct selection was made in 1986-87 for the post of Accounts Officer and thereafter in the year 1989 for the post of Accounts Officer and to grant deemed date of promotion. By way of interim relief it was prayed that the respondents be restrained from promoting any junior to the petitioner to the post of Accounts Officer / Senior Accounts Officer and fur restraining the respondents from selecting any person from the open market for the aforesaid two posts.

On 13.8.1991, learned Single Judge of this Court while issuing notice to the other side making it returnable on 7.10.1991 granted ad-interim relief in terms of para 11(C). Later on, on 11.12.1991, the matter was admitted and rule was ordered to be issued and notice as to interim relief returnable on 24.12.1991. However, considering the circumstances of the case, another learned Single Judge of this court by his order dated 20.1.1992 refused to grant interim relief in view of the reply affidavit filed by the respondents.

I am not required to go into the merits of the case and decide the controversy raised in this petition because it is stated at the Bar by the learned counsel for the parties that the respondent company itself came to be closed on 1.1.2001. In that view of the matter, no final relief can be granted in favour of the petitioner as the ad-interim relief granted earlier by this court in favour of the petitioner was later on came to be vacated in 1992. I have not gone into another preliminary objection raised by Mr.Mazgaokar for Mr.Shelat for the respondents that this court should dismiss the petition on the ground of gross delay of almost five years as the petition was to be dismissed on the aforesaid ground.

In view of the above discussion, this petition fails and it is dismissed. However, there shall be no order as to costs.

(B.J.Shethna, J.)

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